



The WALT DISNEY Company

April 19, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
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Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Rm. TWB204  
Washington, D.C. 20554

Dear Ms. Salas:

On behalf of The Walt Disney Company's wholly-owned subsidiary ABC, Inc., transmitted herewith for filing with the Commission are an original and four copies of its Comments in MD Docket No. 98-200.

If there are any questions in connection with the foregoing, please contact the undersigned.

Respectfully submitted,

*Diane H. Davidson*

Diane H. Davidson  
Director, Government Relations

DHD/smk  
Enclosures

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Assessment and Collection  
of Regulatory Fees for  
Fiscal Year 1999

MD Docket No. 98-200

To: The Commission

COMMENTS OF THE WALT DISNEY COMPANY

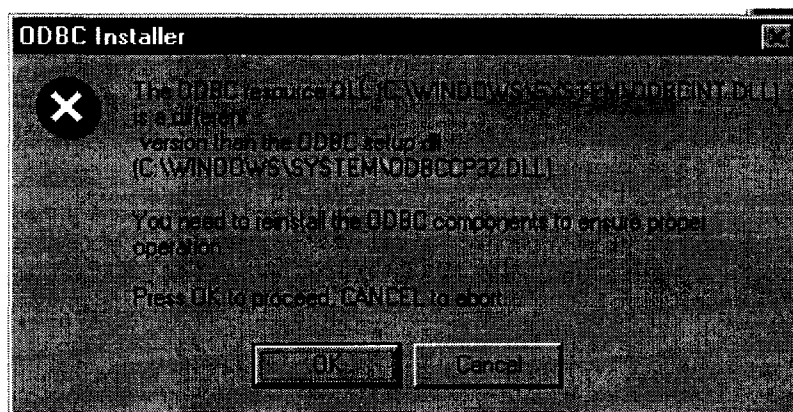
("ABC")

The Walt Disney Company, on behalf of its subsidiary ABC, Inc. ("ABC"), hereby submits its suggestions regarding the Notice of Proposed Rulemaking filed with the Federal Communications Commission (the "Commission" or "FCC"). ABC owns and operates, directly or through wholly-owned subsidiaries, the ABC Television Network, ten television stations and 35 radio stations. Accordingly, ABC is affected significantly by the FCC's fee proposals and mechanisms for collecting fees.

Disney/ABC files these comments to raise an important issue relevant to the other issues raised in the NPRM, and our comments address concerns related to the mechanism by which licensees with large numbers of licenses pay fees.

The FCC prefers payors of large numbers of fees to file the necessary documentation on diskette rather than by use of multiple Forms 159-C (see Public Notice 84557, FY 1998 Mass Media Regulatory Fees, August 3, 1998, at page 3, "Method of Payment"). The requisite computer software for creating this diskette, which changes every year, tends to be released by the FCC very close to the due date of the fees. Last year, this caused problems because the version of the software for the Windows 95 operating system was defective. Indeed, the initial version posted to the Internet on August 26, 1998 was defective, and it was replaced by a version announced August 31 but not actually available until a day or two later, which was also defective. Fees were due between September 14 and 18.

Specifically, the software package replaced the ODBC setup dll file C:\WINDOWS\SYSTEM\ODBCCP32.DLL without checking or also replacing the ODBC resource dll file C:\WINDOWS\SYSTEM\ODBCINT.DLL. On computers where these two files were originally of another version than used for the FCC software package, the result was mismatched files. This violated Windows system integrity, as evidenced by the error message issued when accessing the Control Panel, which was copied to a graphic file and is made part of this filing, reproduced below.



This mismatch caused problems with other programs using the ODBC subsystem such as Outlook. In the FCC software, symptoms of the problem included (false) indications that the prior year's data file was corrupt and refusal to load the prior year's file for updating, requiring it to be re-entered by hand. Evidence of this is that the prior year ABC file, which refused to load on our machine, was emailed to FCC help line staff, who loaded and converted it with no problem and emailed it back. Other large payors may have believed what they were told, that their databases were defective, and spent many long hours reentering their data by hand. It is likely that payors also encountered other problems due to the mismatched files, which were left mismatched by the feefiler program's "uninstall".

The FCC software also, for whatever reason, did not assign the proper TIN to each license, for data files containing multiple licensees and TINs under one payor. Instead, the output diskette showed the TIN of the payor duplicated with each license call sign, regardless of the correct TIN of the licensee corresponding to each particular call sign. Correct TINs were maintained in the data base, but not transferred correctly to the output diskette sent to the Commission. The impact of this problem on the accuracy of the FCC's records is not for us to determine, but it certainly could not have been positive.

The help desk was of assistance in getting our file converted, but failed to acknowledge the cause of the problem, despite being faced with the above description of the problem, the error message, and the fact that, when the three ODBC subsystem files replaced by the FCC Feefiler were manually restored to the versions matching the ODBC subsystem files not altered by the FCC program, operation of Outlook returned to normal. Matching versions of the unreplaced files were not available to us.

There were other less major problems with this software, such as the printout function masking off the rightmost digit of the TIN so the entire number does not appear on printout, and the program's failure to update fee codes from one year to the next, as MUB7 to MUB8, requiring that to be done manually for every license.

We would urge the FCC to make every effort to avoid a repetition of last year's experience so that a problem package is not released so close to deadline that payors are put in jeopardy of significant financial penalties for missing the deadline. Two possible remedies may be suggested.

1. The FCC could get a software package out in time for users to work with it in something other than last second rush. In at least one prior year, the FCC made use of beta-testing, involving at least one payor, which caught major problems before software release. Release should be no later than August 15, rather than August 26 or later.

2. The FCC could release a correct and updated description of exactly what goes in the diskette file, along with the proper format (the last such description we are aware of,

released in the first year of fee payments, appeared to be spaced out incorrectly), so payors could use their own methods, including commercial software such as Excel, to create diskette files in the proper format. This should be done no later than June, to give payors time to evaluate methods of creating the file correctly.

## CONCLUSION

For the reasons set forth above, ABC hereby requests that the FCC consider the issues ABC has raised concerning past difficulties encountered in using FCC software, and that the Commission take steps proposed herein that would assist licensees who must pay fees for a large number of licenses in complying with the FCC's requirements.

Respectfully submitted,

By: Diane H. Davidson

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